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Convention on Cluster Munitions Dubrovnik Action Plan

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CONVENTION
ON CLUSTER MUNITIONS



Dubrovnik
Action Plan



The Convention prohibits all use, production, transfer and stockpiling of cluster munitions

The Convention on Cluster Munitions (CCM) is an international treaty that addresses the humanitarian consequences and unacceptable harm to civilians caused by cluster munitions, through a categorical prohibition and a framework for action.

The Convention prohibits all use, production, transfer and stockpiling of cluster munitions. In addition, it establishes a framework for cooperation and assistance to ensure adequate care and rehabilitation to survivors and their communities, clearance of contaminated areas, risk reduction education and destruction of stockpiles.

Cluster munitions are unacceptable for two reasons. Firstly, they have wide area effects and are unable to distinguish between civilians and combatants. Secondly, the use of cluster munitions leave behind large numbers of dangerous unexploded ordnance. Such remnants kill and injure civilians, obstruct economic and social development, and have other severe consequences that persist for years and decades after use.

Adopted on 30 May 2008 in Dublin, Ireland and signed on 3 December 2008 in Oslo, Norway, the Convention on Cluster Munitions entered into force on 01 August 2010.

As at 21 April 2016, a total of 119 states had joined the Convention, as 100 States parties and 19 Signatories.

Dubrovnik Action Plan

INTRODUCTION

In 2010, at the First Meeting of States Parties in Vientiane, Lao People's Democratic Republic, the Vientiane Action Plan was adopted by States parties to the Convention on Cluster Munitions (CCM). Developed in consultation with partners with the objective to ensure effective and timely implementation of the provisions of the treaty following the First Meeting of States Parties, the Vientiane Action Plan set out concrete and measurable steps, actions and targets aimed to be completed within specific time frames over the next five-year period and with defined roles and responsibilities.

Drawing from the provisions of the Convention, the actions contained in the Vientiane Action Plan were not in themselves normative requirements, but designed to gather momentum, guide and assist States parties and other relevant actors in the practical implementation of the Convention. It was argued that with such guidance States parties, together with partners, could ensure that the Convention would have an immediate impact on the ground, address current implementation challenges, react to future developments, and reflect changes in the implementation work. As such, the overall aim of the Action Plan was to support States parties in meeting their obligations. With the adoption of the Vientiane Action Plan, States parties sent a strong message on their commitment to the rapid implementation of the Convention.

With the objective to facilitate the preparatory process in advance of the First Review Conference of the Convention, Costa Rica in its capacity as President of the Fifth Meeting of States Parties initiated the Vientiane Action Plan Review in close cooperation with Coordinators and with the support of the interim Implementation Support Unit at UNDP. Together with the four annual progress reports to date monitoring progress in implementing the Vientiane Action Plan, the Review serves as a means to gauge the status of practical implementation of the Convention and thereby also as an opportunity to document to what extent the Convention has made a difference on the ground. As such, it contributes to the first Review Conference of the CCM in guiding the content for a new five-year action plan.

To this end, building on the Vientiane Action Plan and the recommendations of the Review, the Dubrovnik Action Plan (DAP) seeks to carry forward the aim of ensuring effective implementation of the provisions of the CCM from the First to the Second Review Conference of the Convention.

Elaborated under the guidance of the President-designate of the First Review Conference, and in the capable hands of thematic coordinators and support from UNDP, the Dubrovnik Action Plan has been developed in line with the expressed desire among States parties to further strengthen results by operationalizing actions, with targets aimed to be completed within specific time frames over the next five-year period, and with defined roles and responsibilities. Working groups of experts consisting of partners in the United Nations, the International Committee of the Red Cross, the Cluster Munition Coalition and other stakeholders have been consulted.

The actions contained in the Vientiane Action Plan are not in themselves normative or legal requirements, but designed to gather momentum, guide and assist States parties and other relevant actors in the practical implementation of the Convention. The aim of the new Action Plan remains unchanged: to support

States parties in meeting their obligations. Building on the many achievements to date and with the adoption* of the Dubrovnik Action Plan, States parties will reaffirm the strong message on their commitment to the rapid implementation of the Convention.

The Dubrovnik Action Plan establishes a list of priorities for both States parties and other implementation actors, and also serves as a tool to monitor progress. Substantively, some actions are designed as milestones to ensure timely implementation of comprehensive and resource intensive tasks. Others are designed to assist States parties in structuring their response to their commitments under the Convention.

In the next five years many States parties will face their respective legally stipulated deadlines on stockpile destruction and clearance of cluster munition remnants in affected areas. In 2016, States will also celebrate the ten-year anniversary of the Convention on the Rights of Persons with Disabilities. These important milestones underline the imperative of renewed energy in the implementation of the Convention enabled by a strong Vientiane Action Plan.

* The DAP was adopted on 11 September 2015



The President of the First Review Conference, Croatian Prime Minister Mr. Zoran Milanovic, at the opening session in Dubrovnik, Croatia

ACTION one

UNIVERSALIZATION

One hundred and sixteen (116) States have committed to the goals of the Convention. Ninety-two (92) of them have ratified or acceded to the Convention, while twenty-four (24) still need to ratify. Seventy-nine (79) Member States of the United Nations are neither signatories nor parties to the Convention.*

Action 1.1 - Increase adherence with the Convention

Aiming to increase the number of States parties to 130 by the Second Review Conference, States parties will:

- a Seize opportunities in all relevant forums including, but not limited to, the United Nations Security Council, its General Assembly, Human Rights and Economic and Social Councils, parliamentary meetings, high level, global and regional multilateral and bilateral meetings and other similar events, to engage States not yet party and promote adherence to the Convention as soon as possible.
- b Continue outreach and engagement with States not parties in all appropriate fora, including capitals, to encourage their accession and work with signatory States to encourage prompt ratification.

Action 1.2 - Promote the universalization of the Convention

In cooperating with and assisting other States in joining the Convention, States parties commit to:

- a Enhance cooperation and partnerships among States and with other relevant partners including the United Nations, the International Committee of the Red Cross, and other international organisations, the Cluster Munition Coalition and other civil society and non-governmental organisations to promote the universalization of the Convention and its norms.
- b Promote relevant models of legislation and provide targeted assistance to States requiring support in the development of new national legislation to enable ratification of, or accession to, the Convention.
- c Encourage and support States not party to join the Convention as soon as possible, including by helping States not party to find solutions to the potential obstacles and challenges they face in joining the Convention so as to facilitate their eventual adherence, as well as exchanging information on how such obstacles can be overcome.
- d Support the efforts of States not party that share the humanitarian imperative and concerns caused by cluster munitions, in participating in formal and informal meetings in order to encourage them to become States parties to the Convention.
- e Support efforts of signatory States in their ratification process and help to find solutions to potential obstacles and challenges they may face in the process in order to facilitate their prompt ratification.

- f Engage producer States not party in activities related to the implementation of the CCM including stockpile destruction, clearance and risk reduction, and victims assistance - to present and introduce them to the benefits of the implementation of the Convention with the aim to foster interest and eventual adherence.

Action 1.3 - Reinforce the norms being established by the Convention

States parties will continue to promote compliance, reinforcing the norms being established by the CCM that stigmatizes cluster munitions and promote their non-use by:

- a Ensuring compliance through bilateral discussions, the use of the good offices of the President, and any other means consistent with Article 8, in a cooperative manner, to clarify and seek to resolve questions related to any matters of compliance.
- b Discouraging, in every way possible use, development, production, stockpiling and transfer of cluster munitions.
- c Calling upon those who continue to use, develop, produce, stockpile and transfer cluster munitions to cease now.
- d In conformity with Article 21, raising concern about any alleged use and condemning any instances of documented use by any actor, effectively calling on all States not party to accede to the Convention.
- e Working as appropriate, with other stakeholders, including States not party to the Convention that have condemned or otherwise expressed concern over the use of cluster munitions generating the stigmatization of cluster munitions and promoting its non-use by any actors.

Result - Universalization

By the Second Review Conference, these efforts will result in:

- » an increased number of States parties to the Convention;
- » a decreased number of reported alleged and confirmed instances of use, with the aim to put an end for all time to the suffering and casualties caused by cluster munitions.

STOCKPILE DESTRUCTION

Thirty-seven (37) States parties have reported that they have, or previously had cluster munition stockpiles and thereby have or had obligations under Article 3. Fourteen (14)* States parties remain with obligations under Article 3. States parties have collectively destroyed over 80 per cent of reported stockpiles, well on track to complete all destruction in conformity with their respective deadlines stipulated by the Convention.

Action 2.1 - Develop a resourced plan

States parties with cluster munition stockpiles that have not yet done so will:

- a Ensure to have a plan in place as soon as possible for the destruction of stocks, including an estimated completion date, national resources to be attributed, and any requirements for international support, and begin physical destruction as soon as possible.
- b Fulfil their obligations within the deadlines provided by the Convention and ensure that the plan is in compliance with international standards relating to the protection of public health and environment.
- c Highlight these plans in annual transparency reports and if deemed necessary, at meetings of the Convention as a measure of promoting transparency and confidence building and maintaining transparency as an important element for the full implementation of Article 3 by providing clear information on the status and progress of stockpile destruction programmes.
- d Request support and any need of international assistance and cooperation in order to comply with obligations under Article 3 through relevant partners.

Action 2.2 - Increase exchanges of promising practices

States parties and signatory States that have already started, or finished the destruction of stocks are encouraged to:

- » Increase the exchange of information amongst themselves and expert organisations of good and cost effective stockpile destruction practices including on safety, environmental impact and efficiency. This could also include tasking the implementation support unit to draft, in consultation with States, a template for

the declaration of compliance under Article 3 to be used on a voluntary basis and to maintain a list of states with practices to share.

Action 2.3 - Apply an appropriate approach to retention

States parties that retain or acquire cluster munitions and explosive sub-munitions under Article 3.6 will:

- » Ensure the amount of explosive sub-munitions does not exceed the number absolutely necessary for said purposes and shall, in accordance with Article 3.8, report regularly on the past and planned use of retained munitions.

Action 2.4 - Announce declaration of compliance on stockpile destruction

States parties that have fulfilled obligations under Article 3 are encouraged to:

- » Make an official declaration of compliance with Article 3 obligations to meetings of States parties or review conferences of the Convention and in annual submissions of transparency reports under Article 7.

Action 2.5 - Act upon unexpected developments

States parties which may identify new, previously unknown stockpiles of cluster munitions after a declaration of compliance has been made, commit to:

- a Report such findings without delay to meetings of the Convention and in Article 7 reports as suggested in form C.
- b Develop without delay, plans for their destruction and destroy them as a matter of urgent priority.

Results - Stockpile destruction

By the Second Review Conference, these efforts will result in:

- » an increased number of States parties that finished stockpile destruction;
- » increased levels of reporting on matters pertaining to Article 3 implementation, including information on the amount and planned use of sub-munitions retained;
- » increased exchange of information of good and cost effective stockpile destruction practices including on safety, environmental impact and efficiency.

CLEARANCE AND RISK REDUCTION EDUCATION

Sixteen (16) States parties have reported to have or had obligations under Article 4. Among them, five (5) have declared compliance with Article 4 and eleven (11)* remain with obligations under Article 4.

Action 3.1 - Assess the extent of the problem

Affected States parties subject to obligations under Article 4 will:

- a Endeavour to, within two years of the First Review Conference or two years after entry into force of the Convention for that State party, make every effort to promote clarity on the location, scope and extent of cluster munition remnants in areas under its jurisdiction or control, drawing on survey approaches (technical and non-technical) as appropriate and needed.
- b Note, to the extent possible, the location, scope and extent of any contamination where contaminated land is identified, allowing national authorities to make evidence-based decisions, using appropriate risk-analysis and allow for effective prioritization of ongoing clearance activities, taking into account needs, vulnerabilities as well as realities and different priorities on local and national levels, and
- c Release land through cancellation, where no confirmed evidence of contamination is found on land previously recorded and classified as contaminated, taking into account existing standards, best practices and principles for land release. Otherwise, only confirmed hazardous areas should be recorded.

Action 3.2 - Protect people from harm

Affected States parties will, as soon as areas under its jurisdiction or control are known to be affected:

- a Take all feasible steps to prevent civilian casualties by immediately developing and providing targeted and focused age, gender and ethnic sensitive risk reduction education programmes that are based primarily on an assessment of need and vulnerability and an understanding of risk-taking behaviour.

- b Mark and fence, to the extent possible, confirmed hazardous areas as soon as possible and enforce legislation that protects the marking.

Action 3.3 - Develop a resourced plan

Affected States parties will endeavour to:

- a Develop, within one year of the Review Conference or entry into force of the Convention for that State party, and start the implementation of Article 4 compliant national clearance strategies and plans based on survey results and clearance rates, taking into account best practices, international and national standards and methods.
- b Develop and implement national clearance plans including transparent and consistent criteria for developing clearance priorities and for utilising the most appropriate survey and clearance methodologies and technologies.
- c Identify the national resources that could be allocated to implement plans and relevant activities and explore the need to request international assistance and cooperation from the United Nations system, donor States, non-governmental organizations or other relevant entities.

Action 3.4 - Be inclusive when developing the response

Affected States parties will endeavour to, where appropriate and applicable,

- a include affected communities in the development and implementation of national clearance plans;
- b mainstream gender and age sensitiveness in the development of plans and programmes, as well as in the conduct of survey, clearance and risk reduction education and other relevant activities;
- c involve as far as feasible, affected communities in all appropriate activities related to clearance and destruction of cluster munitions remnants, and to risk reduction education.

Action 3.5 - Manage information for analysis, decision-making and reporting

Affected States parties will, based on functioning databases and comparable data, record and provide information to the extent possible on the scope, extent and nature of all cluster munition contaminated areas under its jurisdiction or control, and where applicable, report on the size and location of land released through cancellation where no confirmed evidence of contamination is found on land previously recorded as contaminated.

Action 3.6 - Provide support, assist and cooperate

States parties that have used or abandoned cluster munitions prior to the entry into force of the CCM, will endeavour to:

- » Provide technical, financial, material and human resources assistance, as well as other relevant information, where available, to facilitate clearance, when cluster munitions are located under the control or jurisdiction of another State party at the time of the CCM's entry into force for the latter.

Action 3.7 - Apply practice development

States parties will promote and continue to:

- » Explore methods and technologies which will allow clearance operators to work more efficiently with the right technology to achieve better results as we all strive to attain as quickly as possible the strategic goal of a world free of cluster munitions and its remnants, while also making full use of existing methods and technologies that have proven to be effective.

Action 3.8 - Promote and expand cooperation

All States parties will:

- a Monitor and actively promote the achievement of survey and clearance goals as well as humanitarian and developmental needs by affected States parties.
- b Identify possible means to cooperate and assist affected States parties in need.
- c Provide international cooperation and assistance when in a position to do so, either bilaterally to affected States, organizations undertaking survey, clearance, and risk reduction education, or through the United Nations and other international organizations, and non-governmental organizations, including sufficient and predictable funding, to enable affected States parties to complete implementation of Article 4 as soon as possible and no later than their respective clearance deadlines. Cooperation and assistance among affected States parties is equally encouraged. When funding is committed or pledged, consider the possibility of multi-year funding.
- d Coordinate efforts in support of cluster munitions survey and clearance in affected States parties, with the aim of ensuring that allocation of funds is more effective at country level (bearing in mind the level of the problem, the needs and the humanitarian and development requirements); and appropriately distributed among the affected countries. Involve, as appropriate, relevant international and non-governmental organizations actively engaged in mine action.

VICTIM ASSISTANCE

Twelve (12)* States parties have reported that they have, or have been reported to have, obligations under Article 5.

Action 4.1 - Strengthen national capacity

States parties with cluster munition victims in areas under their jurisdiction or control will:

- a Strengthen their national capacity to provide assistance to cluster munition victims, without discrimination against those who have suffered injuries or impairments from other causes, and accordingly, mobilizing adequate national and international resources through existing and innovative sources of financing, bearing in mind the immediate and long-term needs of cluster munition victims. Concrete actions to that effect are:
 - » Designating a focal point within the government to coordinate victim assistance, if States parties have not yet done so as required by Article 5, paragraph 2, by the end of 2016.
 - » Ensuring that designated focal point has authority, expertise and adequate resources to develop, implement, and monitor actions to promote inclusion of victims in all relevant national policies, plans and programs.
 - » Collecting all necessary data, on an ongoing basis, disaggregated by sex and age, assessing the needs and priorities of cluster munition victims, establishing mechanisms to refer victims to existing services, and identifying any methodological gaps in the collection of data. Such data and needs assessment should be made available to all relevant stakeholders and be integrated into or contribute to national injury surveillance and other relevant data collection systems for use in programme planning.
- b Review the availability, accessibility and quality of existing services in the areas of medical care, rehabilitation and psychological support, education, economic and social inclusion, and identify the barriers that prevent access.
- c Ensure that existing national policies, plans and legal frameworks related to people with similar needs, such as disability and poverty reduction frameworks, address the needs and human rights of cluster munition victims, or adapt such plans

Results - Clearance and risk reduction education

By the Second Review Conference, these efforts will result in:

- » a decreased number of new victims, with the aim of zero;
- » increased amounts of suspected land released for subsistence, cultural, social and commercial purposes;
- » better targeting of scarce clearance resources;
- » larger freedom and safer movement;
- » increased exchange of information of good and cost effective clearance practices including on safety, environmental impact and efficiency.

CMC Delegation,
Oslo Signing Conference

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accordingly. States parties that have not yet developed a national disability action plan should do so as soon as possible, or develop a national action plan on victim assistance, by no later than the end of 2018. This includes, *inter alia*:

- » Coordination of actions relevant for victim assistance within existing coordination systems created under relevant Conventions including the Convention on the Rights of Persons with Disabilities. In the absence of such mechanisms, the establishment of a comprehensive coordination mechanism, actively involving cluster munition victims and their representative organizations, as well as relevant health, rehabilitation, psychological, psycho-social services, education, employment, gender and disability rights experts.
 - » Development and implementation of existing international standards, guidelines, best practices, and recommendations in the areas of medical care, rehabilitation and psychological support as well as social and economic inclusion, recognizing in particular the vulnerability of women and children with disabilities.
 - » Identification and consideration of the needs and rights of victims other than survivors.
- d Monitor and evaluate the implementation of victim assistance as integrated into national laws, policies, and plans, related to people with similar needs, or as a part of a national action plan, and ensure that such frameworks do not discriminate against or among cluster munition victims and those who have suffered injuries or impairments by other causes, and that cluster munition victims have access to specialized services.
- » Raising awareness among cluster munition victims about their rights and available services, as well as within government authorities, service providers and the general public to foster respect for the human rights and dignity of victims, and other persons with disabilities.
 - » Increasing the availability and accessibility of services also in remote and rural areas so as to remove the identified barriers and to guarantee the implementation of quality services.
- e Increase the economic inclusion of victims of cluster munitions through self- or waged employment, as well as social protection measures. This could include, for example:
- » Education, training and employment incentive programs of persons with

disabilities in both public and private sectors, as well as through the micro-crediting possibilities;

- » Developing national capacity building programs which promote the economic inclusion of victims;
- » Increasing opportunities for victims, particularly in remote and rural areas, to access appropriate employment and training initiatives, and to engage in productive work that delivers a fair income and security;
- » Creating employer incentives that support the employment of victims and other persons with disabilities, while enhancing social protection measures to ensure stability during the process of gaining employment;
- » Promoting the inclusion of quotas for employment of cluster munitions victims, as well as those who have suffered injuries or impairments from other causes.

Action 4.2 - Increase the involvement of victims

States parties with cluster munition victims in areas under their jurisdiction or control will:

- a Include cluster munitions victims and their representative organizations actively in policy-making and decision-making in the work under Article 5 of the Convention in a manner that is gender and age sensitive, sustainable, meaningful and non-discriminatory.
- b Include relevant experts to be part of their delegations in all convention related activities (including cluster munitions victims, and representatives of disabled person's organizations).
- c Promote and enhance the capacity of organisations representing women, men and survivors and persons with disabilities as well as national organizations and institutions delivering relevant services, including financial and technical resources, leadership and management training and exchange programmes, with a view to strengthen ownership, the effective delivery of services, and sustainability.

Action 4.3 - Share information

States parties will:

- » Make best use of Article 7 reports, drawing on reports submitted under the Convention on the Rights of Persons with Disabilities as appropriate, and formal and informal fora to provide updates on these actions.

Action 4.4 - Provide support, assist and cooperate

States parties, in support of the implementation of Article 5, will seek to:

- a Promote further cooperation and assistance for projects relevant to cluster munition victims through existing mechanisms, as well as increasing south-south, regional and triangular cooperation, and in accordance to Article 6 of the Convention.
- b Facilitate the sharing of information among victim assistance focal points and other key actors, with a view to exchanging experiences and good practices.
- c Develop, by the Second Review Conference, guidance on the implementation of Article 5 by a State party in response to any new cluster munition victims that may occur in future in areas under their jurisdiction or control, with a view to preventing additional victims.

Results - Victim Assistance

By the Second Review Conference, these efforts will result in:

- » An improvement in the quality and quantity of assistance provided to persons with disabilities;
- » Strengthened respect for human rights to all persons;
- » Increased exchange of information of good and cost effective practices;
- » Increased involvement of victims in consultations and policy-making and decisions-making processes on issues that concern them;
- » Increased cooperation assistance for victim assistance programmes, through traditional mechanisms, and south-south, regional and triangular cooperation and in linking national focal points and centres;
- » Increased demonstration of results achieved and/or expected results in Article 7 transparency reports.

INTERNATIONAL COOPERATION AND ASSISTANCE

Of sixteen (16) States parties that have reported to have or had obligations under Article 4, eight have highlighted assistance needs in clearance and/or risk reduction. Of thirty-seven (37) States parties that have reported to have or had obligations under Article 3, eight have highlighted assistance needs in stockpile destruction. Of twelve (12) States parties that have reported to have obligations under Article 5, seven (7) have highlighted assistance needs to address the needs of victims.

Action 5.1 - Strengthen partnerships at all levels

States parties and expert organisations engaging in cooperation and assistance will:

- a Develop and strengthen their partnerships at all levels, including south-south and triangular cooperation, including among and between states, the United Nations, the International Committee of the Red Cross, National Red Cross and Red Crescent Societies and their International Federation, international and regional organisations, the Cluster Munition Coalition, the Geneva International Centre for Humanitarian Demining and other civil society organisations, survivors and their representatives organisations.
- b Share information and good practices, technologies, resources and expertise to implement the Convention effectively and efficiently, maximize opportunities and avoid duplications.

Action 5.2 - Communicate challenges and seek assistance

States parties seeking assistance according to the right under Article 6 for the fulfilment of obligations under the CCM, in particular as it pertains to Article 3, 4, 5, 7 and 9, will:

- » Communicate challenges and needs for cooperation and assistance for the full implementation of these obligations at the earliest possible opportunity, in meetings of the Convention and through Article 7 transparency reporting, as well as through bilateral and regional channels, and engage with States parties, and other relevant expert organizations and stakeholders, that may be in a position to assist in addressing these needs and overcoming these challenges.

Action 5.3 - Evidence base needs for better results

States parties seeking assistance should:

- a Ensure that requests for cooperation and assistance are based on appropriate surveys, needs assessments and analysis, including an emphasis on gender and age specific requirements.
- b Ensure that requests for cooperation and assistance include a focus on capacity building, at national and local level, based on appropriate identification of needs, are clearly embedded in broader national policy and legal frameworks and consistent with international obligations.
- c Ensure that requests for cooperation and assistance are clearly embedded in broader national policy and legal frameworks.

Action 5.4 - Take ownership

States parties seeking cooperation and assistance will do their utmost to:

Demonstrate high-level national ownership in fulfilling the Convention's obligations and to this end empower and provide relevant state entities with the necessary human, financial and material capacities and resources to implement these obligations.

Action 5.5 - Respond constructively to request for assistance

States parties and expert organizations in a position to do so, including the private sector where feasible, will:

- a Respond promptly to requests for assistance and will identify and mobilise the necessary technical, material and financial resources and means of cooperation and assistance, at the community, the national and international level.
- b Use all possible channels to support States parties seeking assistance and will ensure that such assistance is carried out in line with their humanitarian and development-related strategies and programming in a way to provide predictability and ensure sustainability. Multi-year partnerships of cooperation should be fostered.
- c Develop, share and promote cost-effective, innovative and successful practices of cooperation and assistance and promote results-based programming with increased monitoring and evaluation and a closer and more systematic interaction between the donor and the recipient.

Action 5.6 - Make use of existing tools, cost efficiency and effectiveness

States parties seeking or in a position to provide assistance and expert organizations will aim to:

- a Make most use of existing tools, especially Article 7 transparency reports, to present requests or offers for cooperation and assistance. Special attention should be paid to ensure that needs for and assistance available are clearly communicated.
- b Strive for synergies, where appropriate, with other relevant instruments of international humanitarian and human rights law.

Action 5.7 - Support implementation support

States parties will do their utmost to:

- » Ensure the provisions of adequate resources for cooperation and assistance including for support provided by the Implementation Support Unit to facilitate implementation of the Dubrovnik Action Plan.

Results - Cooperation and Assistance

By the Second Review Conference, these efforts will result in:

- » A decrease in the number of new victims and a better quality of life for victims;
- » An increased number of States parties that finish stockpile destruction in advance of their eight-year deadlines;
- » A better targeting of scarce resources;
- » Increased technical and material assistance, transfer of skills and good practices;
- » Increased and improved reporting on challenges and needs for assistance;
- » An increase of multi-year partnerships for cooperation including multi-year funding arrangements;
- » An increase in the exchange of information of good and cost effective clearance and stockpile destruction practices including on safety, environmental impact and efficiency;
- » An increase in cooperation and assistance for victim assistance programming, with the aim to ensure that victims can participate in all aspects of life on an equal basis.

TRANSPARENCY MEASURES

Sixty-seven (67) initial transparency reports of the required 84 have been received. One (1) State party has submitted its initial and annual transparency report in advance of the CCM's deadline. Seventeen (17) States parties have yet to submit their initial Article 7 transparency report. Fifty-six (56) States parties of the required 84 have submitted one or more annual report. Twenty-eight (28) States parties have yet to submit one or more annual Article 7 transparency reports.

Action 6.1 - Report in time, initially and annually

States parties will fulfil their obligation to:

- a Provide initial transparency reports under Article 7 within the timeframe stated by the Convention, especially as the initial reports are key for establishing the benchmark against which progress will be measured.
- b Provide annual transparency reports, taking full advantage of the reporting process maximizing their potential as a tool for assistance and cooperation in implementation of the Convention, particularly where States parties must take action to destroy stockpiled cluster munitions, clear cluster munitions remnants and assist victims or take national implementation measures referred to in Article 9.

Action 6.2 - Make practical use of reporting

States parties will use formal and informal *fora* to:

- a Provide updates on the implementation of provisions of the Convention, ensuring that updates are clearly reflected in formal annual transparency reports and in promoting these reports as practical tools for cooperation and assistance; including detailed information on time-bound plans towards treaty compliance, with special emphasis regarding obligations under Articles 3, 4 and 5.
- b Seek support from relevant partners if in need of international cooperation and assistance to fulfil their obligations under Article 7.



Results - Transparency measures

By the Second Review Conference, these efforts will result in:

- » An increase in the rate of submissions of transparency reports provided under Article 7;
- » Improved quality in reporting;
- » Increased exchange of information of good and cost effective reporting practices;
- » Increased use of the reporting guide that reflects the actual need for qualitative information and represents a useful tool for States parties to submit initial reports and annual updates.

IRC in session

ACTION
seven

NATIONAL IMPLEMENTATION MEASURES

Forty-eight (48) or 52 per cent of all States parties have adopted legislation specifically aimed at the implementation of the Convention or have indicated that their existing laws and regulations are sufficient to implement it. Twenty-three (23), or twenty-five (25) per cent of States parties have reported that they are currently in the process of adopting legislation and other implementing measures. A number of States parties have not yet shared detailed information on their implementation of the Convention in this area either through their initial and/or annual transparency reports or at formal and informal meetings.

Action 7.1 - Enact national legislation to implement the CCM

States parties that have not yet done so will, as a matter of priority, review existing national legislation, regulations and administrative measures to ensure that they have appropriate measures in place to fully implement the Convention.

States parties will:

- a Prioritise, where necessary, the development and adoption of new comprehensive legislative, administrative or other implementing measures in accordance with Article 9.
- b Share information on any reviews as well as on the content and application of implementing measures in their annual transparency reports and at meetings of the Convention with the aim to share good practice and lessons learnt and as a measure of transparency.

States parties may wish to consider enacting national legislation prohibiting investments in producers of cluster munitions.

Action 7.2 - Highlight challenges and request assistance

States parties are encouraged to:

- a Highlight factors and challenges that may be preventing progress in the revision/



adoption of national legislation in transparency reports and at meetings of the Convention.

- b Make their needs known to States parties, the Implementation Support Unit, and other relevant actors in instances when assistance would be welcomed in the development/revision of implementing measures.

Action 7.3 - Raise awareness of national implementation measures

States parties will, as a matter of priority, take steps to:

- a Increase awareness among all relevant stakeholders of obligations under the Convention, and of their national implementation measures.
- b Ensure that the obligations of the Convention and their national implementation measures are disseminated to their armed forces and, as necessary, reflected in military doctrine, policies and training.
- c Report on progress in this area in their Article 7 reports and to meetings of the Convention.

Results - National implementation measures

By the Second Review Conference, these efforts will result in:

- » All States parties being in compliance with Article 9 and have reported on national implementation in formal meetings of the Convention and through Article 7 transparency reports;
- » All relevant national actors, including armed forces being informed of obligations under the Convention and of national implementation measures including as a result of their reflection, where necessary in military doctrine, policies and training.

First Review Conference of the
Convention on Cluster Munitions.
Dubrovnik, Croatia, 2015

Convention on Cluster Munitions



THE STATES PARTIES TO THIS CONVENTION,

Deeply concerned that civilian populations and individual civilians continue to bear the brunt of armed conflict,

Determined to put an end for all time to the suffering and casualties caused by cluster munitions at the time of their use, when they fail to function as intended or when they are abandoned,

Concerned that cluster munition remnants kill or maim civilians, including women and children, obstruct economic and social development, including through the loss of livelihood, impede post-conflict rehabilitation and reconstruction, delay or prevent the return of refugees and internally displaced persons, can negatively impact on national and international peace-building and humanitarian assistance efforts, and have other severe consequences that can persist for many years after use,

Deeply concerned also at the dangers presented by the large national stockpiles of cluster munitions retained for operational use and **determined** to ensure their rapid destruction,

Believing it necessary to contribute effectively in an efficient, coordinated manner to resolving the challenge of removing cluster munition remnants located throughout the world, and to ensure their destruction,

Determined also to ensure the full realisation of the rights of all cluster munition victims and **recognising** their inherent dignity,

Resolved to do their utmost in providing assistance to cluster munition victims, including medical care, rehabilitation and psychological support, as well as providing for their social and economic inclusion,

Recognising the need to provide age- and gender-sensitive assistance to cluster munition victims and to address the special needs of vulnerable groups,

Bearing in mind the Convention on the Rights of Persons with Disabilities which, *inter alia*, requires that States Parties to that Convention undertake to ensure and promote the full realisation of all human rights and fundamental freedoms of all persons with disabilities without discrimination of any kind on the basis of disability,

Mindful of the need to coordinate adequately efforts undertaken in various fora to address the rights and needs of victims of various types of weapons, and resolved to avoid discrimination among victims of various types of weapons,

Reaffirming that in cases not covered by this Convention or by other international agreements, civilians and combatants remain under the protection and authority of the principles of international law, derived from established custom, from the principles of humanity and from the dictates of public conscience,

Resolved also that armed groups distinct from the armed forces of a State shall not, under any circumstances, be permitted to engage in any activity prohibited to a State Party to this Convention,

Welcoming the very broad international support for the international norm prohibiting anti-personnel mines, enshrined in the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction,

Welcoming also the adoption of the Protocol on Explosive Remnants of War, annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, and its entry into force on 12 November 2006, and **wishing** to enhance the protection of civilians from the effects of cluster munition remnants in post-conflict environments,

Bearing in mind also United Nations Security Council Resolution 1325 on women, peace and security and United Nations Security Council Resolution 1612 on children in armed conflict,

Welcoming further the steps taken nationally, regionally and globally in recent years aimed at prohibiting, restricting or suspending the use, stockpiling, production and transfer of cluster munitions,

Stressing the role of public conscience in furthering the principles of humanity as evidenced by the global call for an end to civilian suffering caused by cluster munitions and **recognising** the efforts to that end undertaken by the United Nations, the International Committee of the Red Cross, the Cluster Munition Coalition and numerous other non-governmental organisations around the world,

Reaffirming the Declaration of the Oslo Conference on Cluster Munitions, by which, *inter alia*, States recognised the grave consequences caused by the use of cluster munitions and committed themselves to conclude by 2008 a legally binding instrument that would prohibit the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians, and would establish a framework for cooperation and assistance that ensures adequate provision of care and rehabilitation for victims, clearance of contaminated areas, risk reduction education and destruction of stockpiles,

Emphasising the desirability of attracting the adherence of all States to this Convention, and **determined** to work strenuously towards the promotion of its universalisation and its full implementation,

Basing themselves on the principles and rules of international humanitarian law, in particular the principle that the right of parties to an armed conflict to choose methods or means of warfare is not unlimited, and the rules that the parties to a conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly direct their operations against military objectives only, that in the conduct of military operations constant care shall be taken to spare the civilian population, civilians and civilian objects and that the civilian population and individual civilians enjoy general protection against dangers arising from military operations,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

GENERAL OBLIGATIONS AND SCOPE OF APPLICATION

1. Each State Party undertakes never under any circumstances to:
 - a Use cluster munitions;
 - b Develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, cluster munitions;
 - c Assist, encourage or induce anyone to engage in any activity prohibited to a State Party under this Convention.
2. Paragraph 1 of this Article applies, *mutatis mutandis*, to explosive bomblets that are specifically designed to be dispersed or released from dispensers affixed to aircraft.
3. This Convention does not apply to mines.

ARTICLE 2

DEFINITIONS

For the purposes of this Convention:

1. **“Cluster munition victims”** means all persons who have been killed or suffered physical or psychological injury, economic loss, social marginalisation or substantial impairment of the realisation of their rights caused by the use of cluster munitions. They include those persons directly impacted by cluster munitions as well as their affected families and communities;
2. **“Cluster munition”** means a conventional munition that is designed to disperse or release explosive submunitions each weighing less than 20 kilograms, and includes those explosive submunitions. It does not mean the following:
 - a A munition or submunition designed to dispense flares, smoke, pyrotechnics or chaff; or a munition designed exclusively for an air defence role;
 - b A munition or submunition designed to produce electrical or electronic effects;
 - c A munition that, in order to avoid indiscriminate area effects and the risks posed by unexploded submunitions, has all of the following characteristics:
 - (i) Each munition contains fewer than ten explosive submunitions;
 - (ii) Each explosive submunition weighs more than four kilograms;
 - (iii) Each explosive submunition is designed to detect and engage a single target object;

- (iv) Each explosive submunition is equipped with an electronic self-destruction mechanism;
- (v) Each explosive submunition is equipped with an electronic self-deactivating feature;

3. **“Explosive submunition”** means a conventional munition that in order to perform its task is dispersed or released by a cluster munition and is designed to function by detonating an explosive charge prior to, on or after impact;
4. **“Failed cluster munition”** means a cluster munition that has been fired, dropped, launched, projected or otherwise delivered and which should have dispersed or released its explosive submunitions but failed to do so;
5. **“Unexploded submunition”** means an explosive submunition that has been dispersed or released by, or otherwise separated from, a cluster munition and has failed to explode as intended;
6. **“Abandoned cluster munitions”** means cluster munitions or explosive submunitions that have not been used and that have been left behind or dumped, and that are no longer under the control of the party that left them behind or dumped them. They may or may not have been prepared for use;
7. **“Cluster munition remnants”** means failed cluster munitions, abandoned cluster munitions, unexploded submunitions and unexploded bomblets;
8. **“Transfer”** involves, in addition to the physical movement of cluster munitions into or from national territory, the transfer of title to and control over cluster munitions, but does not involve the transfer of territory containing cluster munition remnants;
9. **“Self-destruction mechanism”** means an incorporated automatically-functioning mechanism which is in addition to the primary initiating mechanism of the munition and which secures the destruction of the munition into which it is incorporated;
10. **“Self-deactivating”** means automatically rendering a munition inoperable by means of the irreversible exhaustion of a component, for example a battery, that is essential to the operation of the munition;
11. **“Cluster munition contaminated area”** means an area known or suspected to contain cluster munition remnants;

12. **“Mine”** means a munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle;

13. **“Explosive bomblet”** means a conventional munition, weighing less than 20 kilograms, which is not self-propelled and which, in order to perform its task, is dispersed or released by a dispenser, and is designed to function by detonating an explosive charge prior to, on or after impact;

14. **“Dispenser”** means a container that is designed to disperse or release explosive bomblets and which is affixed to an aircraft at the time of dispersal or release;

15. **“Unexploded bomblet”** means an explosive bomblet that has been dispersed, released or otherwise separated from a dispenser and has failed to explode as intended.

ARTICLE 3

STORAGE AND STOCKPILE DESTRUCTION

1. Each State Party shall, in accordance with national regulations, separate all cluster munitions under its jurisdiction and control from munitions retained for operational use and mark them for the purpose of destruction.

2. Each State Party undertakes to destroy or ensure the destruction of all cluster munitions referred to in paragraph 1 of this Article as soon as possible but not later than eight years after the entry into force of this Convention for that State Party. Each State Party undertakes to ensure that destruction methods comply with applicable international standards for protecting public health and the environment.

3. If a State Party believes that it will be unable to destroy or ensure the destruction of all cluster munitions referred to in paragraph 1 of this Article within eight years of entry into force of this Convention for that State Party it may submit a request to a Meeting of States Parties or a Review Conference for an extension of the deadline for completing the destruction of such cluster munitions by a period of up to four years. A State Party may, in exceptional circumstances, request additional extensions of up to four years. The requested extensions shall not exceed the number of years strictly necessary for that State Party to complete its obligations under paragraph 2 of this Article.

4. Each request for an extension shall set out:

- a The duration of the proposed extension;
- b A detailed explanation of the proposed extension, including the financial and technical means available to or required by the State Party for the destruction of all cluster munitions referred to in paragraph 1 of this Article and, where applicable, the exceptional circumstances justifying it;
- c A plan for how and when stockpile destruction will be completed;
- d The quantity and type of cluster munitions and explosive submunitions held at the entry into force of this Convention for that State Party and any additional cluster munitions or explosive submunitions discovered after such entry into force;
- e The quantity and type of cluster munitions and explosive submunitions destroyed during the period referred to in paragraph 2 of this Article; and
- f The quantity and type of cluster munitions and explosive submunitions remaining to be destroyed during the proposed extension and the annual destruction rate expected to be achieved.

5. The Meeting of States Parties or the Review Conference shall, taking into consideration the factors referred to in paragraph 4 of this Article, assess the request and decide by a majority of votes of States Parties present and voting whether to grant the request for an extension. The States Parties may decide to grant a shorter extension than that requested and may propose benchmarks for the extension, as appropriate. A request for an extension shall be submitted a minimum of nine months prior to the Meeting of States Parties or the Review Conference at which it is to be considered.

6. Notwithstanding the provisions of Article 1 of this Convention, the retention or acquisition of a limited number of cluster munitions and explosive submunitions for the development of and training in cluster munition and explosive submunition detection, clearance or destruction techniques, or for the development of cluster munition counter-measures, is permitted. The amount of explosive submunitions retained or acquired shall not exceed the minimum number absolutely necessary for these purposes.

7. Notwithstanding the provisions of Article 1 of this Convention, the transfer of cluster munitions to another State Party for the purpose of destruction, as well as for the purposes described in paragraph 6 of this Article, is permitted.

8. States Parties retaining, acquiring or transferring cluster munitions or explosive submunitions for the purposes described in paragraphs 6 and 7 of this Article shall submit a detailed report on the planned and actual use of these cluster munitions and explosive submunitions and their type,

quantity and lot numbers. If cluster munitions or explosive submunitions are transferred to another State Party for these purposes, the report shall include reference to the receiving party. Such a report shall be prepared for each year during which a State Party retained, acquired or transferred cluster munitions or explosive submunitions and shall be submitted to the Secretary-General of the United Nations no later than 30 April of the following year.

ARTICLE 4

CLEARANCE AND DESTRUCTION OF CLUSTER MUNITION REMNANTS AND RISK REDUCTION EDUCATION

1. Each State Party undertakes to clear and destroy, or ensure the clearance and destruction of, cluster munition remnants located in cluster munition contaminated areas under its jurisdiction or control, as follows:

- a Where cluster munition remnants are located in areas under its jurisdiction or control at the date of entry into force of this Convention for that State Party, such clearance and destruction shall be completed as soon as possible but not later than ten years from that date;
- b Where, after entry into force of this Convention for that State Party, cluster munitions have become cluster munition remnants located in areas under its jurisdiction or control, such clearance and destruction must be completed as soon as possible but not later than ten years after the end of the active hostilities during which such cluster munitions became cluster munition remnants; and
- c Upon fulfilling either of its obligations set out in sub-paragraphs (a) and (b) of this paragraph, that State Party shall make a declaration of compliance to the next Meeting of States Parties.

2. In fulfilling its obligations under paragraph 1 of this Article, each State Party shall take the following measures as soon as possible, taking into consideration the provisions of Article 6 of this Convention regarding international cooperation and assistance:

- a Survey, assess and record the threat posed by cluster munition remnants, making every effort to identify all cluster munition contaminated areas under its jurisdiction or control;
- b Assess and prioritise needs in terms of marking, protection of civilians, clearance and destruction, and take steps to mobilise resources and develop a national plan to carry out these activities, building, where appropriate, upon existing structures, experiences and methodologies;
- c Take all feasible steps to ensure that all cluster munition contaminated areas under its jurisdiction or control are perimeter-marked, monitored and protected by fencing or other means to ensure the effective exclusion of civilians. Warning signs based on methods of

marking readily recognisable by the affected community should be utilised in the marking of suspected hazardous areas. Signs and other hazardous area boundary markers should, as far as possible, be visible, legible, durable and resistant to environmental effects and should clearly identify which side of the marked boundary is considered to be within the cluster munition contaminated areas and which side is considered to be safe;

- d Clear and destroy all cluster munition remnants located in areas under its jurisdiction or control; and
- e Conduct risk reduction education to ensure awareness among civilians living in or around cluster munition contaminated areas of the risks posed by such remnants.

3. In conducting the activities referred to in paragraph 2 of this Article, each State Party shall take into account international standards, including the International Mine Action Standards (IMAS).

4. This paragraph shall apply in cases in which cluster munitions have been used or abandoned by one State Party prior to entry into force of this Convention for that State Party and have become cluster munition remnants that are located in areas under the jurisdiction or control of another State Party at the time of entry into force of this Convention for the latter.

- a In such cases, upon entry into force of this Convention for both States Parties, the former State Party is strongly encouraged to provide, inter alia, technical, financial, material or human resources assistance to the latter State Party, either bilaterally or through a mutually agreed third party, including through the United Nations system or other relevant organisations, to facilitate the marking, clearance and destruction of such cluster munition remnants.
- b Such assistance shall include, where available, information on types and quantities of the cluster munitions used, precise locations of cluster munition strikes and areas in which cluster munition remnants are known to be located.

5. If a State Party believes that it will be unable to clear and destroy or ensure the clearance and destruction of all cluster munition remnants referred to in paragraph 1 of this Article within ten years of the entry into force of this Convention for that State Party, it may submit a request to a Meeting of States Parties or a Review Conference for an extension of the deadline for completing the clearance and destruction of such cluster munition remnants by a period of up to five years. The requested extension shall not exceed the number of years strictly necessary for that State Party to complete its obligations under paragraph 1 of this Article.

6. A request for an extension shall be submitted to a Meeting of States Parties or a Review Conference prior to the expiry of the time period referred to in paragraph 1 of this Article for that State Party. Each request shall be submitted a minimum of nine months prior to the Meeting of

States Parties or Review Conference at which it is to be considered. Each request shall set out:

- a The duration of the proposed extension;
- b A detailed explanation of the reasons for the proposed extension, including the financial and technical means available to and required by the State Party for the clearance and destruction of all cluster munition remnants during the proposed extension;
- c The preparation of future work and the status of work already conducted under national clearance and demining programmes during the initial ten year period referred to in paragraph 1 of this Article and any subsequent extensions;
- d The total area containing cluster munition remnants at the time of entry into force of this Convention for that State Party and any additional areas containing cluster munition remnants discovered after such entry into force;
- e The total area containing cluster munition remnants cleared since entry into force of this Convention;
- f The total area containing cluster munition remnants remaining to be cleared during the proposed extension;
- g The circumstances that have impeded the ability of the State Party to destroy all cluster munition remnants located in areas under its jurisdiction or control during the initial ten year period referred to in paragraph 1 of this Article, and those that may impede this ability during the proposed extension;
- h The humanitarian, social, economic and environmental implications of the proposed extension; and
- i Any other information relevant to the request for the proposed extension.

7. The Meeting of States Parties or the Review Conference shall, taking into consideration the factors referred to in paragraph 6 of this Article, including, *inter alia*, the quantities of cluster munition remnants reported, assess the request and decide by a majority of votes of States Parties present and voting whether to grant the request for an extension. The States Parties may decide to grant a shorter extension than that requested and may propose benchmarks for the extension, as appropriate.

8. Such an extension may be renewed by a period of up to five years upon the submission of a new request, in accordance with paragraphs 5, 6 and 7 of this Article. In requesting a further extension a State Party shall submit relevant additional information on what has been undertaken during the previous extension granted pursuant to this Article.

ARTICLE 5

VICTIM ASSISTANCE

1. Each State Party with respect to cluster munition victims in areas under its jurisdiction or control shall, in accordance with applicable international humanitarian and human rights law, adequately provide age- and gender-sensitive assistance, including medical care, rehabilitation and psychological support, as well as provide for their social and economic inclusion. Each State Party shall make every effort to collect reliable relevant data with respect to cluster munition victims.

2. In fulfilling its obligations under paragraph 1 of this Article each State Party shall:

- a Assess the needs of cluster munition victims;
- b Develop, implement and enforce any necessary national laws and policies;
- c Develop a national plan and budget, including timeframes to carry out these activities, with a view to incorporating them within the existing national disability, development and human rights frameworks and mechanisms, while respecting the specific role and contribution of relevant actors;
- d Take steps to mobilise national and international resources;
- e Not discriminate against or among cluster munition victims, or between cluster munition victims and those who have suffered injuries or disabilities from other causes; differences in treatment should be based only on medical, rehabilitative, psychological or socio-economic needs;
- f Closely consult with and actively involve cluster munition victims and their representative organisations;
- g Designate a focal point within the government for coordination of matters relating to the implementation of this Article; and
- h Strive to incorporate relevant guidelines and good practices including in the areas of medical care, rehabilitation and psychological support, as well as social and economic inclusion.

ARTICLE 6

INTERNATIONAL COOPERATION AND ASSISTANCE

1. In fulfilling its obligations under this Convention each State Party has the right to seek and receive assistance.

2. Each State Party in a position to do so shall provide technical, material and financial assistance to States Parties affected by cluster munitions, aimed at the implementation of the obligations of

this Convention. Such assistance may be provided, *inter alia*, through the United Nations system, international, regional or national organisations or institutions, non-governmental organisations or institutions, or on a bilateral basis.

3. Each State Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment and scientific and technological information concerning the implementation of this Convention. The States Parties shall not impose undue restrictions on the provision and receipt of clearance and other such equipment and related technological information for humanitarian purposes.

4. In addition to any obligations it may have pursuant to paragraph 4 of Article 4 of this Convention, each State Party in a position to do so shall provide assistance for clearance and destruction of cluster munition remnants and information concerning various means and technologies related to clearance of cluster munitions, as well as lists of experts, expert agencies or national points of contact on clearance and destruction of cluster munition remnants and related activities.

5. Each State Party in a position to do so shall provide assistance for the destruction of stockpiled cluster munitions, and shall also provide assistance to identify, assess and prioritise needs and practical measures in terms of marking, risk reduction education, protection of civilians and clearance and destruction as provided in Article 4 of this Convention.

6. Where, after entry into force of this Convention, cluster munitions have become cluster munition remnants located in areas under the jurisdiction or control of a State Party, each State Party in a position to do so shall urgently provide emergency assistance to the affected State Party.

7. Each State Party in a position to do so shall provide assistance for the implementation of the obligations referred to in Article 5 of this Convention to adequately provide age- and gender-sensitive assistance, including medical care, rehabilitation and psychological support, as well as provide for social and economic inclusion of cluster munition victims. Such assistance may be provided, *inter alia*, through the United Nations system, international, regional or national organisations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent Societies and their International Federation, non-governmental organisations or on a bilateral basis.

8. Each State Party in a position to do so shall provide assistance to contribute to the economic and social recovery needed as a result of cluster munition use in affected States Parties.

9. Each State Party in a position to do so may contribute to relevant trust funds in order to facilitate the provision of assistance under this Article.

10. Each State Party that seeks and receives assistance shall take all appropriate measures in order to facilitate the timely and effective implementation of this Convention, including facilitation of the entry and exit of personnel, materiel and equipment, in a manner consistent with national laws and regulations, taking into consideration international best practices.

11. Each State Party may, with the purpose of developing a national action plan, request the United Nations system, regional organisations, other States Parties or other competent intergovernmental or non-governmental institutions to assist its authorities to determine, *inter alia*:

- a The nature and extent of cluster munition remnants located in areas under its jurisdiction or control;
- b The financial, technological and human resources required for the implementation of the plan;
- c The time estimated as necessary to clear and destroy all cluster munition remnants located in areas under its jurisdiction or control;
- d Risk reduction education programmes and awareness activities to reduce the incidence of injuries or deaths caused by cluster munition remnants;
- e Assistance to cluster munition victims; and
- f The coordination relationship between the government of the State Party concerned and the relevant governmental, intergovernmental or non-governmental entities that will work in the implementation of the plan.

12. States Parties giving and receiving assistance under the provisions of this Article shall cooperate with a view to ensuring the full and prompt implementation of agreed assistance programmes.

ARTICLE 7

TRANSPARENCY MEASURES

1. Each State Party shall report to the Secretary-General of the United Nations as soon as practicable, and in any event not later than 180 days after the entry into force of this Convention for that State Party, on:

- a The national implementation measures referred to in Article 9 of this Convention;
- b The total of all cluster munitions, including explosive submunitions, referred to in paragraph 1 of Article 3 of this Convention, to include a breakdown of their type, quantity and, if possible, lot numbers of each type;

- c The technical characteristics of each type of cluster munition produced by that State Party prior to entry into force of this Convention for it, to the extent known, and those currently owned or possessed by it, giving, where reasonably possible, such categories of information as may facilitate identification and clearance of cluster munitions; at a minimum, this information shall include the dimensions, fusing, explosive content, metallic content, colour photographs and other information that may facilitate the clearance of cluster munition remnants;
- d The status and progress of programmes for the conversion or decommissioning of production facilities for cluster munitions;
- e The status and progress of programmes for the destruction, in accordance with Article 3 of this Convention, of cluster munitions, including explosive submunitions, with details of the methods that will be used in destruction, the location of all destruction sites and the applicable safety and environmental standards to be observed;
- f The types and quantities of cluster munitions, including explosive submunitions, destroyed in accordance with Article 3 of this Convention, including details of the methods of destruction used, the location of the destruction sites and the applicable safety and environmental standards observed;
- g Stockpiles of cluster munitions, including explosive submunitions, discovered after reported completion of the programme referred to in sub-paragraph e of this paragraph, and plans for their destruction in accordance with Article 3 of this Convention;
- h To the extent possible, the size and location of all cluster munition contaminated areas under its jurisdiction or control, to include as much detail as possible regarding the type and quantity of each type of cluster munition remnant in each such area and when they were used;
- i The status and progress of programmes for the clearance and destruction of all types and quantities of cluster munition remnants cleared and destroyed in accordance with Article 4 of this Convention, to include the size and location of the cluster munition contaminated area cleared and a breakdown of the quantity of each type of cluster munition remnant cleared and destroyed;
- j The measures taken to provide risk reduction education and, in particular, an immediate and effective warning to civilians living in cluster munition contaminated areas under its jurisdiction or control;
- k The status and progress of implementation of its obligations under Article 5 of this Convention to adequately provide age- and gender-sensitive assistance, including medical care, rehabilitation and psychological support, as well as provide for social and economic inclusion of cluster munition victims and to collect reliable relevant data with respect to cluster munition victims;
- l The name and contact details of the institutions mandated to provide information and to carry out the measures described in this paragraph;

- m The amount of national resources, including financial, material or in kind, allocated to the implementation of Articles 3, 4 and 5 of this Convention; and
- n The amounts, types and destinations of international cooperation and assistance provided under Article 6 of this Convention.

2. The information provided in accordance with paragraph 1 of this Article shall be updated by the States Parties annually, covering the previous calendar year, and reported to the Secretary-General of the United Nations not later than 30 April of each year.

3. The Secretary-General of the United Nations shall transmit all such reports received to the States Parties.

ARTICLE 8

FACILITATION AND CLARIFICATION OF COMPLIANCE

1. The States Parties agree to consult and cooperate with each other regarding the implementation of the provisions of this Convention and to work together in a spirit of cooperation to facilitate compliance by States Parties with their obligations under this Convention.

2. If one or more States Parties wish to clarify and seek to resolve questions relating to a matter of compliance with the provisions of this Convention by another State Party, it may submit, through the Secretary-General of the United Nations, a Request for Clarification of that matter to that State Party. Such a request shall be accompanied by all appropriate information. Each State Party shall refrain from unfounded Requests for Clarification, care being taken to avoid abuse. A State Party that receives a Request for Clarification shall provide, through the Secretary-General of the United Nations, within 28 days to the requesting State Party all information that would assist in clarifying the matter.

3. If the requesting State Party does not receive a response through the Secretary-General of the United Nations within that time period, or deems the response to the Request for Clarification to be unsatisfactory, it may submit the matter through the Secretary-General of the United Nations to the next Meeting of States Parties. The Secretary-General of the United Nations shall transmit the submission, accompanied by all appropriate information pertaining to the Request for Clarification, to all States Parties. All such information shall be presented to the requested State Party which shall have the right to respond.

4. Pending the convening of any Meeting of States Parties, any of the States Parties concerned may request the Secretary-General of the United Nations to exercise his or her good offices to facilitate the clarification requested.

5. Where a matter has been submitted to it pursuant to paragraph 3 of this Article, the Meeting of States Parties shall first determine whether to consider that matter further, taking into account all information submitted by the States Parties concerned. If it does so determine, the Meeting of States Parties may suggest to the States Parties concerned ways and means further to clarify or resolve the matter under consideration, including the initiation of appropriate procedures in conformity with international law. In circumstances where the issue at hand is determined to be due to circumstances beyond the control of the requested State Party, the Meeting of States Parties may recommend appropriate measures, including the use of cooperative measures referred to in Article 6 of this Convention.

6. In addition to the procedures provided for in paragraphs 2 to 5 of this Article, the Meeting of States Parties may decide to adopt such other general procedures or specific mechanisms for clarification of compliance, including facts, and resolution of instances of non-compliance with the provisions of this Convention as it deems appropriate.

ARTICLE 9

NATIONAL IMPLEMENTATION MEASURES

Each State Party shall take all appropriate legal, administrative and other measures to implement this Convention, including the imposition of penal sanctions to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.

ARTICLE 10

SETTLEMENT OF DISPUTES

1. When a dispute arises between two or more States Parties relating to the interpretation or application of this Convention, the States Parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation or by other peaceful means of their choice, including recourse to the Meeting of States Parties and referral to the International Court of Justice in conformity with the Statute of the Court.

2. The Meeting of States Parties may contribute to the settlement of the dispute by whatever means it deems appropriate, including offering its good offices, calling upon the States Parties concerned to start the settlement procedure of their choice and recommending a time-limit for any agreed procedure.

ARTICLE 11

MEETINGS OF STATES PARTIES

1. The States Parties shall meet regularly in order to consider and, where necessary, take decisions in respect of any matter with regard to the application or implementation of this Convention, including:

- a The operation and status of this Convention;
- b Matters arising from the reports submitted under the provisions of this Convention;
- c International cooperation and assistance in accordance with Article 6 of this Convention;
- d The development of technologies to clear cluster munition remnants;
- e Submissions of States Parties under Articles 8 and 10 of this Convention; and
- f Submissions of States Parties as provided for in Articles 3 and 4 of this Convention.

2. The first Meeting of States Parties shall be convened by the Secretary-General of the United Nations within one year of entry into force of this Convention. The subsequent meetings shall be convened by the Secretary-General of the United Nations annually until the first Review Conference.

3. States not party to this Convention, as well as the United Nations, other relevant international organisations or institutions, regional organisations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organisations may be invited to attend these meetings as observers in accordance with the agreed rules of procedure.

ARTICLE 12

REVIEW CONFERENCES

1. A Review Conference shall be convened by the Secretary-General of the United Nations five years after the entry into force of this Convention. Further Review Conferences shall be convened by the Secretary-General of the United Nations if so requested by one or more States Parties, provided that the interval between Review Conferences shall in no case be less than five years. All States Parties to this Convention shall be invited to each Review Conference.

2. The purpose of the Review Conference shall be:

- a To review the operation and status of this Convention;
- b To consider the need for and the interval between further Meetings of States Parties referred to in paragraph 2 of Article 11 of this Convention; and
- c To take decisions on submissions of States Parties as provided for in Articles 3 and 4 of this Convention.

3. States not party to this Convention, as well as the United Nations, other relevant international organisations or institutions, regional organisations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organisations may be invited to attend each Review Conference as observers in accordance with the agreed rules of procedure.

ARTICLE 13

AMENDMENTS

1. At any time after its entry into force any State Party may propose amendments to this Convention. Any proposal for an amendment shall be communicated to the Secretary-General of the United Nations, who shall circulate it to all States Parties and shall seek their views on whether an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Secretary-General of the United Nations no later than 90 days after its circulation that they support further consideration of the proposal, the Secretary-General of the United Nations shall convene an Amendment Conference to which all States Parties shall be invited.

2. States not party to this Convention, as well as the United Nations, other relevant international organisations or institutions, regional organisations, the International Committee of the Red

Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organisations may be invited to attend each Amendment Conference as observers in accordance with the agreed rules of procedure.

3. The Amendment Conference shall be held immediately following a Meeting of States Parties or a Review Conference unless a majority of the States Parties request that it be held earlier.

4. Any amendment to this Convention shall be adopted by a majority of two-thirds of the States Parties present and voting at the Amendment Conference. The Depositary shall communicate any amendment so adopted to all States.

5. An amendment to this Convention shall enter into force for States Parties that have accepted the amendment on the date of deposit of acceptances by a majority of the States which were Parties at the date of adoption of the amendment. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

ARTICLE 14

COSTS AND ADMINISTRATIVE TASKS

1. The costs of the Meetings of States Parties, the Review Conferences and the Amendment Conferences shall be borne by the States Parties and States not party to this Convention participating therein, in accordance with the United Nations scale of assessment adjusted appropriately.

2. The costs incurred by the Secretary-General of the United Nations under Articles 7 and 8 of this Convention shall be borne by the States Parties in accordance with the United Nations scale of assessment adjusted appropriately.

3. The performance by the Secretary-General of the United Nations of administrative tasks assigned to him or her under this Convention is subject to an appropriate United Nations mandate.

ARTICLE 15

SIGNATURE

This Convention, done at Dublin on 30 May 2008, shall be open for signature at Oslo by all States on 3 December 2008 and thereafter at United Nations Headquarters in New York until its entry into force.

ARTICLE 16

RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION

1. This Convention is subject to ratification, acceptance or approval by the Signatories.
2. It shall be open for accession by any State that has not signed the Convention.
3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

ARTICLE 17

ENTRY INTO FORCE

1. This Convention shall enter into force on the first day of the sixth month after the month in which the thirtieth instrument of ratification, acceptance, approval or accession has been deposited.
2. For any State that deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the thirtieth instrument of ratification, acceptance, approval or accession, this Convention shall enter into force on the first day of the sixth month after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

ARTICLE 18

PROVISIONAL APPLICATION

Any State may, at the time of its ratification, acceptance, approval or accession, declare that it will apply provisionally Article 1 of this Convention pending its entry into force for that State.

ARTICLE 19

RESERVATIONS

The Articles of this Convention shall not be subject to reservations.

ARTICLE 20

DURATION AND WITHDRAWAL

1. This Convention shall be of unlimited duration.
2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention. It shall give notice of such withdrawal to all other States Parties, to the Depositary and to the United Nations Security Council. Such instrument of withdrawal shall include a full explanation of the reasons motivating withdrawal.
3. Such withdrawal shall only take effect six months after the receipt of the instrument of withdrawal by the Depositary. If, however, on the expiry of that six-month period, the withdrawing State Party is engaged in an armed conflict, the withdrawal shall not take effect before the end of the armed conflict.

ARTICLE 21

RELATIONS WITH STATES NOT PARTY TO THIS CONVENTION

1. Each State Party shall encourage States not party to this Convention to ratify, accept, approve or accede to this Convention, with the goal of attracting the adherence of all States to this Convention.
2. Each State Party shall notify the governments of all States not party to this Convention, referred to in paragraph 3 of this Article, of its obligations under this Convention, shall promote the norms it establishes and shall make its best efforts to discourage States not party to this Convention from using cluster munitions.
3. Notwithstanding the provisions of Article 1 of this Convention and in accordance with international law, States Parties, their military personnel or nationals, may engage in military

cooperation and operations with States not party to this Convention that might engage in activities prohibited to a State Party.

4. Nothing in paragraph 3 of this Article shall authorise a State Party:

- a To develop, produce or otherwise acquire cluster munitions;
- b To itself stockpile or transfer cluster munitions;
- c To itself use cluster munitions; or
- d To expressly request the use of cluster munitions in cases where the choice of munitions used is within its exclusive control.

ARTICLE 22

DEPOSITARY

The Secretary-General of the United Nations is hereby designated as the Depositary of this Convention.

ARTICLE 23

AUTHENTIC TEXTS

The Arabic, Chinese, English, French, Russian and Spanish texts of this Convention shall be equally authentic.



The Implementation Support Unit

The secretariat to the Convention on Cluster Munitions

The Unit has a mandate to:

- Assist and support the Convention President as well as the thematic Coordinators, prepare, support and follow-up from formal and informal meetings of the Convention;
- Offer advice and support to States Parties on Convention implementation;
- Develop and maintain a resource base of relevant technical expertise and practices, and to provide States with these resources if requested;
- Facilitate communication among States Parties and other relevant actors, cooperate and coordinate amongst these and maintain public relations, including efforts to promote the universalization of the Convention;
- Keep records of formal and informal meetings under the Convention and other relevant knowledge products, expertise and information pertaining to the implementation of the Convention.

**Implementation Support Unit of the
Cluster Convention Munitions**

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